

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 06-16

**A RESOLUTION CONFIRMING RESOLUTION 06-14, THE DECLARATION OF
CERTAIN REAL PROPERTY IMPROVEMENTS FOR PROPERTY TAX
ABATEMENT (SSI PROPERTIES, INC.)**

WHEREAS, the City of Greenwood, Indiana, recognizes the need to stimulate growth and maintain a sound economy within its corporate limits; and

WHEREAS, the Greenwood Common Council (“Council”) further recognizes that it is in the best interest of the City of Greenwood to provide incentives to stimulate investment within the community; and

WHEREAS, Indiana Code 6-1.1-12.1-1 et. seq. provides for a program of real property and personal property tax abatement within “economic revitalization areas” (“ERA”) and provides for the adoption of such a program; and

WHEREAS, the Council established on June 4, 2001, by Resolution 01-09, an ERA within the City of Greenwood; and

WHEREAS, the City of Greenwood Redevelopment Commission (“Commission”), on February 2, 1999, by Resolution No. 99-02, designated an area within the City’s corporate boundaries as an Economic Development Area (“EDA”) as defined by IC 36-7-14 and designated the entire EDA as an allocation area known as the Greenwood Eastside Economic Development Area; and

WHEREAS, IC 6-1.1-12.1-2(l) provides that when property is located in an ERA and is also located in an allocation area, an application for property tax deduction as provided by IC 6-1.1-12.1 may not be approved unless the Commission that designated the allocation area adopts a resolution approving the application for property tax deduction; and

WHEREAS, SSI Properties, Inc. (hereinafter “SSI”) owns certain real estate described and shown in Exhibit “A”, which is located within the ERA designated in Council Resolution No. 01-09 and is also located in the allocation area designated in Commission Resolution No. 99-02; and

WHEREAS, SSI Properties, Inc. (hereinafter “SSI”) on June 7, 2006 filed its Statements of Benefits Real Estate Improvements (“SB – 1 / RE”) form as required by the Council; and

WHEREAS, SSI submitted its Application for Property Tax Abatement to the Commission and the Commission recommended the approval of the tax abatement application by Resolution No. 2006-03; and

WHEREAS, at the Council meeting on June 26, 2006, the Council adopted Declaratory Resolution No. 06-14, Declaring Certain Real Property Improvements for Property Tax Abatement and Setting the Time and Place for a Public Hearing Thereon, with said real property being the area described and shown in Exhibit “A”, and the Council fixed the time and place for a public hearing to be July 17, 2006 at 7:00 p.m. in the Council Chambers, City Building, 2 North Madison Avenue, Greenwood, Indiana, for a public hearing to receive any remonstrance or objections from any person in or affected by the area legally described and shown on Exhibit “A” ; and

WHEREAS, proper legal notice was published indicating the adoption of Declaratory Resolution No. 06-14 and stating when and where the public hearing would be held; and

WHEREAS, at such public hearing, any and all additional evidence and testimony along with any and all remonstrance and objections presented were considered, and such additional evidence and testimony either confirmed the Council’s determination that the said real estate qualified for property tax abatement or did not refute that determination.

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COMMON COUNCIL THAT:

Section 1. The Greenwood Common Council hereby takes “final action” as that phrase in contemplated in IC 6-1.1-12.1 et seq. with regard to (1) the request for tax abatement of SSI and (2) the adoption of Greenwood Common Council Resolution No. 06-14 on June 26, 2006.

Section 2. The Greenwood Common Council hereby confirms certain findings made with Resolution No. 06-14 and makes such additional findings and determinations as follows:

1. That said-described property is located within the jurisdiction of the Greenwood Common Council for purposes set forth in IC 6-1.1-12.1-2; and
2. That this Council has determined, based on the information provided by the applicant and other evidence before the Council, that the site has become undesirable for or impossible of normal development and occupancy inasmuch as normal development and growth did not occur in the area during the past ten (10) years without additional financial incentives; and
3. That the improvement of the real estate described herein would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of the City of Greenwood; and
4. That the subject real estate is zoned I-1 Industrial Light use according to the City of Greenwood Zoning Map; and
5. That providing tax abatement will assist in the inducement of a project which will provide employment opportunities to residents of the City of Greenwood and Johnson County; and
6. That the Statements of Benefits Real Estate Improvements form filed on June 7, 2006, by SSI is in acceptable form and complies with the standards set forth in Resolution No. 06-14; and
7. That the estimate of the value of the redevelopment is reasonable for projects of that nature; and
8. The estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed described redevelopment; and
9. The estimate of the annual salaries of the individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment; and
10. The number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid to employees, along with the value of the acquisition and construction of improvements, create benefits of the type and quality anticipated by the Greenwood Common Council within the ERA and can reasonably be expected to result from the proposed described redevelopment; and
11. The totality of benefits is sufficient to justify the deductions provided for herein.

Section 3. The area legally described and shown on the attached Exhibit “A” is within a designated ERA in the City of Greenwood.

Section 4. The deductions allowed within the said ERA shall be as allowed under IC 6-

1.1-12.1-4 for ten (10) years.

Section 5. In the event that the ERA designation should terminate, this termination does not limit the period of time the applicant or successor owner is entitled to receive a partial abatement of property taxes relative to redevelopment or rehabilitation activities completed before the date the ERA designation is terminated.

Section 6. The President of the Council is hereby authorized to complete and execute SSI’s Statements of Benefits Real Estate Improvements form consistent with this Resolution.

Section 7. Two (2) copies of Exhibit “A,” attached hereto which depicts the real estate within the economic revitalization area, are on file in the office of the Clerk-Treasurer of Greenwood, Indiana, and the Common Council directs the Clerk-Treasurer to maintain for public inspection two (2) copies of said Exhibit “A” in the files of the Clerk-Treasurer.

Section 8. A certified copy of this Resolution shall be sent to the Johnson County Auditor.

Section 9. The Council hereby confirms Greenwood Common Council Resolution No. 06-14 adopted June 26, 2006 and thus approves property tax abatement as provided herein for the real estate described and shown on Exhibit “A”.

Section 10. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 11. This Resolution shall be effective immediately upon its passage, subject to the appeal proceedings through court action contemplated by IC 6-1.1-12.1-2.5.

Adopted by the Common Council of Greenwood, Indiana, this _____ day of _____, 2006.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the _____day of _____, 2006, is presented by me this _____ day of _____, 2006, at _____ o'clock _____.m. to the Mayor of the City of Greenwood.

Jeannine Myers, Clerk-Treasurer

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the _____day of _____, 2006, is signed and approved by me this day of _____, 2006, at _____ o'clock _____.m. to the Mayor of the City of Greenwood.

CHARLES E. HENDERSON, Mayor of the
City of Greenwood, Indiana